HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARNUNA REDDY

WRIT APPEAL No. 372 OF 2007

Between:

Kondapaneni Ramu

... Appellant

AND

The District Panchayat Officer,
Krishna District, Machilipatnam
and another.

... Respondents

: JUDGMENT :

Counsel for the Appellant : Shri K.V.Rajendra Prasad.

Dated: 30th April, 2007

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Per G.S. SINGHVI, CJ

This appeal is directed against order dated 19.04.2007 passed by the learned Single Judge in Writ Petition No.7613 of 2007, whereby he declined to protect the appellant's possession over land comprised in Revenue Survey No.489, Chapala Kumdi Centre, Poranki, Penamaluru Mandal, Krishna District.

After arguing the case for some time, learned counsel for the appellant made a request that his client may be permitted to withdraw the appeal with liberty to avail remedy by filing civil suit.

The request of the learned counsel is accepted and the appeal is dismissed as withdrawn.

While dismissing the appeal, we consider it necessary to observe that if the appellant files suit for injunction and also applies for temporary injunction, the trial court must, before passing any order, take into consideration the law laid down by the Supreme Court in **Seema Arshad Zaheer v. Municipal Corporation of Greater Mumbai**[1] and judgment dated 19.01.2007 of the Division Bench of this Court in Writ Petition No.17597 of 2006 – Y. Jyothirmoy and others v. Municipal Corporation of Hyderabad.

As a sequel to dismissal of the appeal as withdrawn, WAMP.No.706 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

30th April, 2007

C.V.NNAGARJUNA REDDY, J

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[1] JT 2006 (11) SC 1